

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 103**  
**95TH GENERAL ASSEMBLY**

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Reported from the Committee on Jobs, Economic Development and Local Government, April 16, 2009, with recommendation that the Senate Committee Substitute do pass.

0356S.03C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 44.090 and 701.355, RSMo, and to enact in lieu thereof two new sections relating to public safety.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 44.090 and 701.355, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 44.090 and 701.355, to  
3 read as follows:

44.090. 1. The executive officer of any political subdivision **or public**  
2 **safety agency** may enter into mutual-aid arrangements or agreements with  
3 other public and private agencies within and without the state for reciprocal  
4 emergency aid. Such arrangements or agreements shall be consistent with the  
5 state disaster plan and program and the provisions of section 70.837, RSMo, and  
6 section 320.090, RSMo. In time of emergency it shall be the duty of each local  
7 organization for emergency management to render assistance in accordance with  
8 the provisions of such mutual-aid arrangements or agreements.

9 2. Any contracts that are agreed upon may provide for compensation from  
10 the parties and other terms that are agreeable to the parties and may be for an  
11 indefinite period as long as they include a sixty-day cancellation notice provision  
12 by either party. The contracts agreed upon may not be entered into for the  
13 purpose of reduction of staffing by either party.

14 3. At the time of significant emergency such as fire, earthquake, flood,  
15 tornado, hazardous material incident, terrorist incident, or other such manmade  
16 or natural emergency disaster **or public safety need** anywhere within the state  
17 or bordering states, the highest ranking official of [a] **any** political subdivision

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 [available] or **public safety agency or their designee** may render aid to or  
19 **request aid from** any [requesting political] jurisdiction, **agency, or**  
20 **organization** even without written agreement, as long as he or she is in  
21 accordance with the policies and procedures set forth by the governing [board]  
22 **boards** of [that jurisdiction] **those jurisdictions, agencies, or**  
23 **organizations. A public safety need, as used in this section, shall**  
24 **include any event or incident necessitating mutual-aid assistance from**  
25 **another public safety agency.**

26 4. When responding to mutual aid or emergency aid requests, political  
27 subdivisions **or public safety agencies** shall be subject to all provisions of law  
28 as if it were providing service within its own jurisdiction.

29 5. All political subdivisions **and public safety agencies** within the state  
30 are, upon enactment of this legislation or execution of an agreement,  
31 automatically a part of the Missouri statewide mutual aid system. A political  
32 subdivision within the state may elect not to participate in the statewide mutual  
33 aid system upon enacting an appropriate resolution by its governing body  
34 declaring that it elects not to participate in the statewide mutual aid system and  
35 by providing a copy of the resolution to the [state fire marshal and state  
36 emergency management agency] **director of the department of public safety**  
37 **or his or her designee.**

38 6. [Emergency response] **The Missouri mutual aid system shall be**  
39 **administered by the department of public safety, which may authorize**  
40 **any organization to assist in the administration of the mutual aid**  
41 **system. The department of public safety may promulgate rules for this**  
42 **section. Any rule or portion of a rule, as that term is defined in section**  
43 **536.010, RSMo, that is created under the authority delegated in this**  
44 **section shall become effective only if it complies with and is subject to**  
45 **all of the provisions of chapter 536, RSMo, and, if applicable, section**  
46 **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
47 **and if any of the powers vested with the general assembly under**  
48 **chapter 536, RSMo, to review, to delay the effective date, or to**  
49 **disapprove and annul a rule are subsequently held unconstitutional,**  
50 **then the grant of rulemaking authority and any rule proposed or**  
51 **adopted after August 28, 2009, shall be invalid and void.**

52 7. **For the purpose of this section, public safety agencies** shall  
53 include, but shall not be limited to, fire service organizations, law enforcement

54 agencies, emergency medical service organizations, public health and medical  
55 personnel, emergency management officials, infrastructure departments, public  
56 works agencies, and those other agencies, organizations, [and] departments, **and**  
57 **specialized emergency response teams** that have personnel with special  
58 skills or training that are needed to provide services during an emergency,  
59 **public safety need, or disaster, declared or undeclared.**

60 [7.] 8. It shall be the responsibility of each political subdivision **and**  
61 **public safety agency** to adopt and put into practice the National Incident  
62 Management System promulgated by the United States Department of Homeland  
63 Security.

64 [8.] 9. In the event of a disaster **or other public safety need** that is  
65 beyond the capability of local political subdivisions, the local governing authority  
66 **or public safety agency having jurisdiction** may request assistance under  
67 this section.

68 [9.] 10. Any entity or individual that holds a license, certificate, or other  
69 permit issued by a participating political subdivision, **public safety agency**, or  
70 state shall be deemed licensed, certified, or permitted in the requesting political  
71 subdivision **or public safety agency's jurisdiction** for the duration of the  
72 [declared] emergency or authorized drill.

73 [10.] 11. Reimbursement for services rendered under this section shall  
74 be in accordance with **any local**, state and federal guidelines. Any political  
75 subdivision **or public safety agency** providing assistance shall receive  
76 appropriate reimbursement according to those guidelines.

77 [11.] 12. Applicable benefits normally available to personnel while  
78 performing duties for their jurisdiction are also available to such persons when  
79 an injury or death occurs when rendering assistance to another political  
80 subdivision **or public safety agency** under this section. Responders shall be  
81 eligible for the same state and federal benefits that may be available to them for  
82 line-of-duty deaths **or injuries**, if such services are otherwise provided for within  
83 their jurisdiction.

84 [12. All activities performed under this section are deemed to be  
85 governmental functions.]

86 13. For the purposes of liability, all [participating] **members of any**  
87 political [subdivisions] **subdivision or public safety agency** responding under  
88 operational control of the requesting political subdivision **or a public safety**  
89 **agency** are deemed employees of such [participating] **responding** political

90 subdivision **or public safety agency and are subject to the liability and**  
91 **workers' compensation provisions provided to them as employees of**  
92 **their respective political subdivision or public safety agency.**

701.355. The board shall have the following powers:

- 2           (1) To consult with engineering authorities and organizations who are  
3 studying and developing elevator safety codes;
- 4           (2) To adopt a code of rules and regulations governing **licenses of**  
5 **elevator mechanics and elevator contractors**, construction, maintenance,  
6 testing, and inspection of both new and existing installations. The board shall  
7 have the power to adopt a safety code only for those types of equipment defined  
8 in the rule. In promulgating the elevator safety code the board may consider any  
9 existing or future American National Standards Institute safety code affecting  
10 elevators as defined in sections 701.350 to 701.380, or any other nationally  
11 acceptable standard;
- 12          (3) To certify state, municipal inspectors and political subdivision  
13 inspectors, and special inspectors, who shall enforce the provisions of a safety  
14 code adopted pursuant to sections 701.350 to 701.380;
- 15          (4) To appoint a chief safety inspector together with a staff for the purpose  
16 of ensuring compliance with any safety code established pursuant to sections  
17 701.350 to 701.380.

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